IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.446 OF 2004
IN
SUIT NO.2421 OF 2003

Nirma Industries Ltd. & Anr. .. Plaintiff

Vs.

Meso Pvt.Ltd. & Anr. .. Defendants

Mr.P.A.Sawant i/b J.Sagava Associates for the plaintiff

Mr.Z.B.Kamdia i/b M/s.Wadia Ghandi & Co. for defendant no.2

Mr.V.A.Bhagat & Co. for defendant no.1

CORAM : S.U.KAMDAR, J

DATED : 6TH APRIL 2005

P.C.:

. The present Chamber Summons is taken out for deleting the name of the defendant no.2 from the cause title of the suit. Suit is filed for infringement and passing off a mark known as 'NIMA'. It is the case of defendant no.2 in the present Chamber Summons that the said mark has been assigned by defendant no.2 to defendant no.1 and in view thereof defendant no.2 is not a necessary and

proper party to the suit. It is therefore, contended that they should be deleted from the suit. In my opinion mere assignment of the mark would not absolve the defendant no.2 in respect of liability which may arise in the present suit. In view thereof, Chamber Summons dismissed. No order as to costs.